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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA
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7 GRACE ALBANESE,

8 Plaintiff,

9 vs.

10 LAS VEGAS METROPOLITAN POLICE
11 DEPARTMENT and DOUG GILLESPIE,

12 Defendant.

Case No. 2:16-cv-00532-RFB-GWF

**REPORT AND
RECOMMENDATION**

13 This matter comes before the Court on the screening of Plaintiff's Second Amended
14 Complaint (ECF No. 49), filed on October 10, 2017. The Court granted Plaintiff *in forma pauperis*
15 status on October 3, 2016. *See* (ECF No. 13).

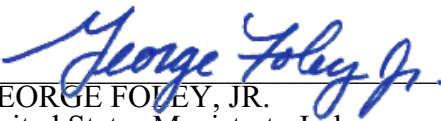
16 On October 2, 2017, the Court entered its screening order regarding Plaintiff's Amended
17 Complaint. There, the Court dismissed Plaintiff's claims against Defendant the Las Vegas
18 Metropolitan Police Department ("LVMPD") because Plaintiff failed to show that LVMPD's
19 alleged conduct was driven by a policy or custom implemented by LVMPD and that the policy or
20 custom was the driving force behind the alleged violations of Plaintiff's constitutional rights.
21 *Order and Report and Recommendation* (ECF No. 48), pg. 3. Plaintiff's Second Amended
22 Complaint fails to address this issue. Rather, Plaintiff's Second Amended Complaint seeks to
23 remove Defendant Gillespie "so that this case can proceed to a close that would benefit [her]
24 financially." *Second Amended Complaint* (ECF No. 49), pg. 2.¹ Plaintiff also reiterates her
25 allegations that LVMPD conducted warrantless surveillance on her, which interfered with her
26 ability to live, work or go to school. *Id.* at pg. 4. Because Plaintiff failed to correct the deficiencies
27 noted in the Court's screening order, and because it appears that Plaintiff cannot correct said
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¹ The Court recommended that Defendant Doug Gillespie be dismissed with prejudice in its original screening order based on the fact that he is not a person for § 1983 purposes. *See* ECF No. 48.

1 deficiencies, the Court will recommend that this case be dismissed. Accordingly,

2 **IT IS HEREBY RECOMMENDED** that Plaintiff's Second Amended Complaint (ECF
3 No. 49) be dismissed without prejudice and that this case be closed.

4 DATED this 23rd day of October, 2017.

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7 GEORGE FOLEY, JR.
8 United States Magistrate Judge

8 **NOTICE**

9 Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be
10 in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has
11 held that the courts of appeal may determine that an appeal has been waived due to the failure to
12 file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit
13 has also held that (1) failure to file objections within the specified time and (2) failure to properly
14 address and brief the objectionable issues waives the right to appeal the District Court's order
15 and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153,
16 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).